

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PEOPLE FOR THE ETHICAL TREATMENT §
OF ANIMALS, INC., §
Plaintiff, §

v. §

M. KATHERINE BANKS, §
Defendant. §

CIVIL ACTION NO. 4:20-CV-02913

DECLARATION OF JENNIFER GAUNTT

Jennifer Gauntt declares:

1. I am the Director of Communications for Texas A&M University (“TAMU”)’s College of Veterinary Medicine & Biomedical Sciences (“CVMBS”).
2. In this capacity, I supervise the manager of the social media accounts for CVMBS. Thus, I am familiar with CVMBS’s policies, conduct, and capabilities with respect to comments posted on CVMBS’s social media sites.
3. TAMU maintains a Texas A&M Facebook Usage Policy (“TAMU’s Social Media Policy”), which governs what comments on TAMU’s Facebook pages are subject to removal. A copy of TAMU’s Social Media Policy is publicly available on TAMU’s website¹ and is linked to from the CVMBS Facebook page.

¹ See Texas A&M Facebook Usage Policy, TEXAS A&M UNIVERSITY, <https://www.tamu.edu/statements/facebook-usage-policy.html>.

4. TAMU's Social Media Policy states that "[c]omments must be directly related to the topic of the original post from this page or may be removed."² There are no listed penalties for violations of this policy other than removal of the comments at issue.³

5. In early May 2020, PETA posted numerous spam messages to a graduation celebration video being livestreamed on CVMBS's Facebook page (the "May 2020 incident").

6. CVMBS's moderators had two main options with respect to a viewer's comment that violated TAMU's Social Media Policy: (1) "delete" the comment or (2) "hide" the comment.

7. Generally speaking, "hidden" comments can be viewed by the commenter and the commenter's Facebook "friends," but other users would not be able to see those comments. Hidden comments can be "unhidden" by CVMBS moderators at any time.

8. But when a comment is "deleted," that means the comment is wholly removed from the video; neither the commenter nor the commenter's friends can see the deleted comment. Deleted comments cannot be "undeleted" by CVMBS moderators.

9. The vast majority of PETA comments that were removed by CVMBS during the May 2020 incident were deleted and thus cannot be restored.

10. CVMBS performed a diligent search and found that three PETA-related comments were hidden, as opposed to deleted. CVMBS also found a fourth comment, seemingly left by someone unrelated to PETA, that was accidentally marked as hidden.

² *Id.*

³ *See id.*

11. CVMBS recently restored all four posts marked hidden to the May 2020 graduation celebration video on CVMBS's Facebook page. Thus, these four posts are available to viewers of this video.

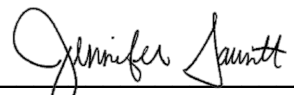
12. CVMBS commits to leaving these four posts "unhidden" (i.e., available to the public); CVMBS has no intention to change this designation following the resolution of this lawsuit.

13. Thus, CVMBS has restored all PETA comments to the May 2020 livestreamed video that were within its power to restore. Any remaining comments missing from this video were deleted by CVMBS, and CVMBS does not have the power to restore these deleted comments.

14. CVMBS moderators also had the option to permanently block users from its social media sites. CVMBS did not permanently block any of the PETA commentators due to their conduct during the May 2020 incident.

15. I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 28, 2021



Jennifer Gauntt